

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

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MARTIN J. WALSH,  
Plaintiff,

2:21-cv-00984-JAD-VCF

vs.

**ORDER**

NAB, LLC, *et al*,  
Defendants.

Plaintiff's Motion to Compel [ECF No. 18]

Plaintiff filed a motion to compel. ECF No. 18. Defendants did not file a response to the motion. I grant the motion to compel.

**I. Background**

Plaintiff argues in his motion to compel that defendants have not responded to interrogatories and have not produced documents. *Id.* The deadline to respond to the motion to compel was September 16, 2022. Defendants have not filed any response.

**II. Discussion**

Rule 26 permits a party to obtain discovery “regarding any nonprivileged matter that is relevant to any party’s claims or defenses and proportional to the needs of the case, considering the importance of the issues at stake in the action, the amount in controversy, the parties’ relative access to relevant information, the parties’ resources, the importance of the discovery in resolving the issues, and whether the burden or expense of the proposed discovery outweighs its likely benefit.” The party seeking to avoid discovery bears the burden of showing why the discovery should not be permitted. *V5 Techs. v.*

1 *Switch, Ltd.*, 334 F.R.D. 306, 309 (D. Nev. 2019) (citing *Blankenship v. Hearst Corp.*, 519 F.2d 418,  
2 429 (9th Cir. 1975)). Under LR 7-2(d), the failure of an opposing party to file points and authorities in  
3 response to any motion, except a motion under Fed. R. Civ. P. 56 or a motion for attorney's fees,  
4 constitutes a consent to the granting of the motion.

5 The defendants have not filed an opposition to the motion to compel and the time to do so has  
6 passed. The defendants have thus consented to the granting of the instant motion. Defendants have  
7 thirty-days to respond in full to the interrogatories and requests for production of documents outlined in  
8 plaintiff's motion to compel.

9 Accordingly,

10 I ORDER that the plaintiff's motion to compel (ECF No. 18) is GRANTED.

11 I FURTHER ORDER that defendants have until Thursday, October 20, 2022 to comply with this  
12 order.

### 13 **NOTICE**

14 Pursuant to Local Rules IB 3-1 and IB 3-2, a party may object to orders and reports and  
15 recommendations issued by the magistrate judge. Objections must be in writing and filed with the Clerk  
16 of the Court within fourteen days. LR IB 3-1, 3-2. The Supreme Court has held that the courts of appeal  
17 may determine that an appeal has been waived due to the failure to file objections within the specified  
18 time. *Thomas v. Arn*, 474 U.S. 140, 142 (1985). This circuit has also held that (1) failure to file  
19 objections within the specified time and (2) failure to properly address and brief the objectionable issues  
20 waives the right to appeal the District Court's order and/or appeal factual issues from the order of the  
21 District Court. *Martinez v. Ylst*, 951 F.2d 1153, 1157 (9th Cir. 1991); *Britt v. Simi Valley United Sch.*  
22 *Dist.*, 708 F.2d 452, 454 (9th Cir. 1983). Pursuant to LR IA 3-1, plaintiffs must immediately file written  
23 notification with the court of any change of address. The notification must include proof of service upon  
24  
25

1 each opposing party's attorney, or upon the opposing party if the party is unrepresented by counsel.

2 **Failure to comply with this rule may result in dismissal of the action.**

3 IT IS SO ORDERED.

4 DATED this 20th day of September 2022.



5 CAM FERENBACH  
6 UNITED STATES MAGISTRATE JUDGE